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09/296,452	04/21/1999	TIMO BRUCK	WEB-340	8411

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EXAMINER

HUYNH, SON P

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 08/15/2003

16

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/296,452

Applicant(s)

BRUCK ET AL.

Examiner

Son P Huynh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 6-11,23-27 and 58-93 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6-11,23-27 and 58-93 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 April 1999 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 6-11, 23-27, 58-93 have been considered but are moot in view of the new ground(s) of rejection.

### ***Drawings***

2. The drawings are objected to as indicated in the "Notice of Draftsperson's Patent Drawing Review" (PTO 948). Corrected drawings are required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 58-67, 71-81, 85-87, 92-93 are rejected under 35 U.S.C. 102(e) as being anticipated by Deweese (WO 00/13416).

Regarding claim 58, Deweese teaches a client system 20 comprising display for simultaneously showing video programs received from one or more video sources and chat communication corresponding to the received video programs, wherein the client system is capable of connecting to one or more host servers of one or more service provider and one or more of chat servers offering chat rooms (see figures 1A, 2A-3, 9), the method comprising:

receiving a video program from a video source ( program 271-see figure 13);

displaying the video program at the client system (program 271-see figure 13);

receiving chat link data from the service provider indicating that the client system may display a user selectable chat link for connecting to a chat room that is associated with the video program (see figures 13-14);

displaying the chat link simultaneously with the video program (see figures 15A, 21);

Deweese further discloses when user selects "Yes" icon 276 to join a chat group (figure 13); the chat server provide a list of available chat group the user want to join (see figure 14). Once the user selects a particular chat group, the user is linked to the chat room specified by the user; the user can communicates with other user in the chat group (see figure 16, page 33, lines 3+). Inherently, Deweese teaches upon receiving user selection of the chat link (user selects Yes to join a chat group), sending a chat request to a host server (chat server);

receiving a chat room identifier from the host server that identifies the available chat room associated with the video program and a chat server; and automatically connected

the client system with the chat room that is associated with the video program using the chat room identifier received from the host server.

Regarding claim 59, Deweese teaches the host and chat servers are the same server (see figures 2A, 3 10).

Regarding claim 60, Deweese teaches the video program and the chat link data are received in a signal broadcast from the video source 16 (see figure 1A).

Regarding claim 61, Deweese teaches the video program is displayed in a video region of the display and text communications are displayed in a chat region of the display (see figure 9).

Regarding claim 62, Deweese teaches the chat region of the display is adjacent the video region of the display (see figure 16).

Regarding claim 63, Deweese teaches the chat region 206 may be displayed as an opaque or translucent overlay of television program 202 (see page 31, lines 21-25).

Regarding claim 64, Deweese teaches a chat user interface displayed in the chat region is customized based on one or more of (i) an episode of a television series included in the video program, (ii) a television series corresponding to the video program, (iii) a

television network affiliate providing the video program, and (iv) a network providing the video program (chat topic 204 may be related to the television program 202-see figure 9 and page 31, line 10+).

Regarding claim 65, Deweese teaches an identifying characteristic of the video program (chat topic) is displayed outside of the video region of the display (see figures 9, 16).

Regarding claim 66, Deweese teaches the identifying characteristic identifies an episode of a television series included in the video program (Clinton's Impeachment or Lewinsky's Testimony identifies an episode of television series included in News Program displayed in video region 315- see figure 16).

Regarding claim 67, Deweese teaches an identifying characteristic identifies a television series corresponding to the video program (Clinton's Impeachment or Lewinsky's Testimony identifies a television series corresponding to the News Program displayed in video region 315- see figure 16).

Regarding claim 71, Deweese discloses when a user selects a join to chat topic to join, the user is connected to the chat group correspond to the selected chat topic; a user then chat with other user in the chat room by entering text on the provided window on the display, chat window(s) display text communications (see figures 9, 15A+).

Inherently, Deweese teaches determining an identifying characteristic of the video

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program; and defining a user interface for display of text communications, the user interface being configured to reflect an identifying characteristic of the video program.

Regarding claim 72, Deweese teaches the user interface includes a predefined region 206 (figure 9) or regions 316, 317 (figure 16) for display of the text communications.

Regarding claim 92, Deweese teaches the video program has a beginning and an end (see page 45, lines 15-19). Deweese further discloses each chat group 504 links to a related video program in 502 (see figure 15B); and while watching a program on video 400, the user receives a chat request 410, which indicates the name of chat group that the recipient of the request is being asked to join, the chat request recipient chat tune to the channel that the program is airing on by selecting option 404 (see page 55, line 12+, figure 21). Apparently, the method including an act of displaying a new chat link (chat request) with the video program, and prior to the end of the video program, the new chat link linking to new chat room that is associated with a different video program.

Regarding claim 93, Deweese teaches the chat room is maintained by the chat server only until the user leaves the chat room, wherein the user is determined to be a last participant to leave the chat room (see page 33, lines 10-13).

Regarding claims 73-81 and 85-86, the claims are directed toward embody the method of claims 58-67, 71-72 in a "computer program product." It would have been obvious to

one of ordinary skill in the art to embody the procedures of Deweese discussed with respect to claims 58-67, 71-72 in a "computer program product" in order that a processor could automatically perform the instructions.

Regarding claim 87, Deweese teaches the user interface includes a predetermined video region 203 for display of the video program 202 (figure 9).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 6-11, 23-27, 88 and 90 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schindler (US 6,081,830) in view of Knudson et al. (US 6,526,577).

Regarding claim 10, Schindler teaches a computer system having a graphical user interface including a display 38, a method comprising the steps of:



Receiving video signal from plurality of channels such as NBC, ABC, CBS... and displaying the video signal in video region 40 on the display of television 38 (see col. 3, lines 8-56).

Receiving text communications from one or more viewers of the video signal, the text communications being related to the video signal; and displaying the received text communications in chat region 52 on the display 38 with the video signal (see col. 7, lines 2-44 and figure 3);

displaying an identifying characteristic of the video signal outside of the video and chat regions of the display (XYZ in chat room region 44- see figure 3). However, Schindler does not specifically disclose the identifying characteristic includes a background underlying at least one of the video region and the chat region.

Knudson teaches video region 1611 overlies other information such as description of the Titanic, purchase information, etc. (see figures 16-17). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Schindler to incorporate the feature as taught by Knudson in order to conserve the space on the graphical user interface.

Regarding claim 6, Schindler discloses the identifying characteristic xyz identifies an episode of a television series included in the video signal (see fig. 3).

Regarding claim 7, Schindler discloses the identifying characteristic identifies a television series corresponding to the video signal (see fig. 3).

Regarding claim 8, Schindler discloses the identifying characteristic identifies a television network affiliate providing the video signal (see col. 4, lines 17-20).

Regarding claim 9, Schindler discloses the identifying characteristic identifies a television network providing the video signal (see col. 4, lines 12-24).

Regarding claim 11, Schindler further discloses the method comprising the steps of: determining an identifying characteristic of the video signal; and defining a user interface for display of the text communication, the user interface being configured to reflect the identifying characteristic of the video signal (see col. 6, lines 9- 43 or figure 2).

Regarding claim 88, Schindler teaches the chat region of the display adjacent the video region of the display (see figure 3).

Regarding claim 27, Schindler teaches a graphical user interface for presentation on a display device, the graphical user interface comprising:  
a video region 40 of the display for presentation of a video program having an identifying characteristic xyz; and

a chat region 52 of the display for real time presentation of text communications between viewers of the video program during viewing of the video program, wherein the appearance of the graphical user interface outside the video region is determined at least by an identifying characteristic of the video program (chat room xyz -see figure 3). However, Schindler does not specifically disclose the identifying characteristic is used to determine a background underlying at least one of a portion of the video region and a portion of the chat region.

Knudson teaches video region 1611 overlies other information (see figures 16-17). Necessarily, the identifying characteristic is used to determine a background underlying at least one of a portion of the video region and a portion of the chat region. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Schindler to incorporate the feature as taught by Knudson in order to provide an improved graphical user interface to user.

Regarding claims 23-26 and 90, the claimed elements correspond with the elements method for computer system in claims 6-9 and 88 and are analyzed as discussed in the with respect to the rejections of claims 6-9 and 88.

7. Claims 89 and 91 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schindler (US 6,081,830) in view of Knudson et al. (US 6,526,577) as applied to

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claimed 10 and 27 and further in view of Presto- "Presto's Tribes Client Scripter"  
(hereinafter referred to as Presto).

Regarding claim 89, Schindler in view of Knudson teaches a method as discussed in the rejection of claim 10. However, neither Schindler nor Knudson specifically discloses the chat region of the display overlies the video region of the display.

Presto discloses the chat region of the display overlies the video region of the display (see picture 3). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Schindler and Knudson by displaying chat region overlies video region as taught by Presto in order to enlarge chat region and video region.

Regarding claim 91, the claimed elements correspond with the elements method for computer system in claim 89 and are analyzed as discussed in the with respect to the rejections of claim 89.

8. Claims 68-70,82-84 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dewese (WO 00/13416) as applied to claim 65 above and in view of Knudson (US 6,526,577).

Regarding claim 68, Deweese teaches a method as discussed in the rejection of claim 65. However, Deweese does not specifically disclose the identifying characteristic identifies a television network affiliate providing the video program.

Knudson teaches identifying characteristic (program information screen) identifies a television network affiliate providing the video program (see figure 12). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Deweese to incorporate the feature as taught by Knudson in order provide information of the network affiliate providing video program to user.

Regarding claim 69, Deweese teaches a method as discussed in the rejection of claim 65. However Deweese does not specifically disclose the identifying characteristic identifies a television network providing the video program.

Knudson teaches identifying characteristic (program information screen) identifies a television network providing the video program (see figure 12). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Deweese to incorporate the feature as taught by Knudson in order provide information of the television network providing video program to user.

Regarding claim 70, Deweese teaches a method as discussed in the rejection of claim 65. However, Deweese does not specifically disclose the identifying characteristic includes a background underlying other displayed data.

Knudson teaches the identifying characteristic includes a background underlying other displayed data (see figure 17). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Deweese to incorporate the feature as taught by Knudson in order to improve user interface display.

Regarding claims 82-84, the claims are directed toward embody the method of claims 68-70 in a "computer program product." It would have been obvious to one of ordinary skill in the art to embody the procedures of Deweese and Knudson discussed with respect to claims 68-70 in a "computer program product" in order that a processor could automatically perform the instructions.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Lemmons et al.** (US 6,442,755) teaches EPG using markup language.

**Cove et al.** (US 6,411,337) teaches function presentation and selection using a rotatable function menu.

**Nawaz et al.** (US 5,959,621) teaches display application windows over application icons and information icons on a desktop.

**White et al.** (US 6,392,664) teaches provide a chat icon on screen to allow user to chat with other users.

**Deleeuw** (US 6,353,450) teaches placing and monitoring transparent user interface elements in a live video stream as a method for user input.

**Matsuda et al.** (US 6,577,328) teaches program providing medium and shared virtual space providing apparatus and method.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son P Huynh whose telephone number is 703-305-1889. The examiner can normally be reached on 8:00-5:30.

11. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

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12. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer office service whose telephone number is 703-306-0377.

Son P. Huynh  
August 11, 2003



ANDREW FAILE  
SUPERVISORY PATENT EXAMINER  
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